UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
08 MAY -7 AM 10: 15
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY: DEPUTY

UNITED STATES OF AMERICA, Plaintiff, v. **Marcos Antonio ORTIZ-Panuco** Defendant.	Magistrate Case No. 08 MJ 1432 COMPLAINT FOR VIOLATION OF Title 8, U.S.C., Section 1324(a)(2)(B)(iii)- Bringing in Illegal Alien Without Presentation

The undersigned complainant being duly sworn states:

On or about **May 6, 2008**, within the Southern District of California, defendant **Marcos Antonio ORTIZ-Panuco,** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, **Patricia ANGUIANO-Ayala**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 7th DAY OF **May, 2008.**

UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

The complaint states that **Patricia ANGUIANO-Ayala** is a citizen of a country other than the United States; that said alien has admitted she is deportable; that her testimony is material, that it is impracticable to secure her attendance at the trial thereof by subpoena and she is a material witness in relation to this criminal charge and should be held or admitted to bail as prescribed in Title 18, United States Code, Section 3144.

On May 5, 2008 at approximately 2150 hours, **Marcos Antonio ANGUIANO-Ayala (Defendant)** made application for admission into the United States from Mexico through the Otay Mesa Port of Entry as the driver of a 2003 Ford F-250 single cab pickup. Defendant presented a Resident Alien Card bearing the name Angel ORELLANA-Barrios as proof of admissibility to a Customs and Border Protection (CBP) Officer. The CBP Officer obtained a negative Customs declaration from Defendant and noticed his hands were visibly shaking. An inspection of the undercarriage of the vehicle revealed a piece of metal and screws built in a manner consistent with alien smuggling compartments. Further inspection of the Resident Alien Card revealed that Defendant was an imposter to the document. The vehicle and Defendant were subsequently escorted to secondary for further inspection.

In secondary, a female individual was discovered concealed under the bench seat within a non-factory compartment. In order to extract the female individual, the bench seat had to be lifted up by CBP Officers. The concealed female was determined to be a citizen of Mexico without entitlements to enter or reside in the United States and is now identified as **Patricia ANGUIANO-Ayala (Material Witness)**.

During a videotaped interview, Defendant was advised of his Miranda Rights. Defendant acknowledged his rights and elected to answer questions without an attorney present. Defendant admitted knowledge of an individual concealed in the vehicle. Defendant stated he was to deliver the vehicle to San Diego, California. Defendant stated he was given the Resident Alien Card as a form of payment in exchange for smuggling the undocumented alien.

During a separate videotaped interview, Material Witness admitted she is a citizen of Mexico without legal documents to enter or reside in the United States. Material Witness stated she had paid a fee of $4,000.00 USD to be smuggled into the United States. Material Witness stated she was going to Los Angeles, California to visit relatives.